

STATE OF WASHINGTON



OFFICE OF
INSURANCE COMMISSIONER

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON

In the matter of)	
)	No. D 2003- 184
WELS FOUNDATION, INC)	
)	STIPULATIONS, FINDINGS,
)	
Milwaukee, WI)	CONSENT AND ORDER
)	
)	

WELS FOUNDATION, INC. is a charitable organization and has been issuing charitable gift annuities in the State of Washington, and is therefore governed by Title 48 RCW.

This administrative action is based on allegations by the Commissioner's staff that WELS FOUNDATION, INC. violated RCW 48.05.030 and Chapter 48.38 RCW, by the activity described in the following numbered paragraphs. To resolve only the issues identified in the following numbered paragraphs, to eliminate the necessity for a hearing, and as a negotiated settlement of the Commissioner's allegations, WELS FOUNDATION, INC. has voluntarily executed the Consent to Order contained herein and stipulates to the entry of the Order contained herein.

STIPULATIONS

1. RCW 48.05.030 provides that no person shall act as an insurer nor transact insurance in this state other than as authorized by a certificate of authority issued to it by the Commissioner.
2. RCW 48.11.020 defines life insurance as including the granting of annuities.
3. Chapter 48.38 RCW provides that certain charitable organizations upon complying with the provisions of the Chapter may, after receiving a certificate of exemption from the Commissioner, conduct a charitable gift annuity business and be exempted from most of the provisions of Title 48 RCW.

4. Beginning in November of 1994 WELS FOUNDATION, INC. has issued 9 annuities without having been properly licensed to do so.

FINDINGS

1. The Commissioner finds that WELS FOUNDATION, INC. by and through the conduct described above, has violated RCW 48.05.030 and Chapter 48.38 RCW.
2. The Commissioner further finds that at the time that WELS FOUNDATION, INC. issued the annuities, that RCW 48.01.080 authorized a fine of not less than ten dollars nor more than \$1,000, or by imprisonment for not more than one year, or both a fine and imprisonment for violations of Title 48 RCW.

CONSENT TO ORDER

Based on the above and foregoing stipulations, WELS FOUNDATION, INC. consents to pay the sum of \$225 being the \$25 per year annual fee for the 9 years it would have had to pay the fee if it had been properly licensed, the sum of \$45 being the \$5 fee for each annuity that it issued if it had been properly licensed, and a fine in the amount One Hundred Dollars and 00/100 (\$100), for a total amount of \$370.

Based on the above and foregoing stipulations, WELS FOUNDATION, INC. voluntarily consents to the following order to resolve the issues and alleged conduct described herein and with the understanding that the payment of the amount levied against WELS FOUNDATION, INC. is a condition of the issuance of a Certificate of Exemption to WELS FOUNDATION, INC. for the conduct described herein.

Based on the above and foregoing stipulations, WELS FOUNDATION, INC. acknowledges its duty and obligation to fully comply with the applicable laws and regulations of the State of Washington.

Signed this 14th day of October, 2003.

WELS FOUNDATION, INC.

by: _____
Title: _____

ORDER

IT IS ORDERED that pursuant to RCW 48.38.050 and the foregoing Stipulations, Findings, and Consent to Order, WELS FOUNDATION, INC. pay a total sum in the amount of Three Hundred Seventy Dollars and 00/100 (\$370) for the activity described in the foregoing Stipulation.

IT IS FURTHER ORDERED that in the event that this sum is not paid within 30 days from the date of this order, the sum will be recoverable in a civil action brought on behalf of the Insurance Commissioner by the Attorney General, pursuant to RCW 48.05.185.

SIGNED AND ENTERED THIS 27th day of October, 2003.

James T. Odiorne
Deputy Insurance Commissioner